



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NAZARENKO et al.

Appl. No. 10/026,952

Filed: December 27, 2001

For: Primers and Methods for the

Detection and Discrimination of

Nucleic Acids

Confirmation No. 7365

Art Unit: 1623

Examiner: To be assigned

Atty. Docket: 0942.4980006/RWE/AGU

Letter to PTO Draftsman: Submission of Formal Drawings

Commissioner for Patents Washington, D.C. 20231

Sir:

Submitted herewith are 60 sheets of formal drawings with Figures 1A-1B, 2A-2B, 3-4, 5A-5C, 6-12, 13A-13B, 14-15, 16A-16B, 17A-17B, 18A-18D, 19A-19D, 20A-20D, 21, 22A-22B, 23, 24A-24B, 25A-25B, 26A-26B, 27A-27C, 28-38, 39A-39C, 40, 41A-41B, 42A-42D, 43A-43B, 44A-44B, 45, and 46, corresponding to the informal drawings submitted with the above-captioned application. Identification of the drawings is provided in accordance with 37 C.F.R. § 1.84(c). Acknowledgment of the receipt, approval, and entry of these formal drawings into this application is respectfully requested.

It is not believed that an extension of time is required, other than any already provided herewith. However, if an extension of time is needed to prevent abandonment of the application, then such extension of time is hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond
Attorney for Applicants

Registration No. 32,893

1100 New York Avenue, N.W., Suite 600

Washington, D.C. 20005-3934 202) 371-2600

SKGF_DC1:8886.1





Robert Greene Sterne Edward J. Kessler Jorge A. Goldstein David K.S. Cornwell Robert W. Esmond Tracy-Gene G. Durkin Michaele A. Cimbala Michaele A. Cimbala Michaele A. Cimbala Fic K. Steffe Michael Q. Lee Steven R. Ludwig John M. Covert Linda E. Alcorn Robert C. Millonig Lawrence B. Bugaisky Donald J. Featherstone Michael V. Messinger Judith U. Kim
Imothy J. Shea, Jr.
Patrick E. Garrett
Jeffery T. Helvry*
Heldi L. Kraus
Crystal D. Sayles
Edward W. Yee
Albert L. Ferro*
Donald R. Banowit
Peter A. Jackman
Molly A. McCall
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Albert J. Fasulo U*
Eldora Ellison Floyd
W. Russell Swindell

Thomas Fiala
Brian J. Del Buono*
Virgil Lee Beaston*
Reginald D. Lucas*
Kimberly N. Reddick
Theodore A. Wood
Elizabeth J. Haanes
Bruce E. Chalker
Joseph S. Ostroff
Frank R. Cottingham*
Christine M. Lhulier
Rae Lynn Prengaman*
Jane Shershenovich*
Lawrence J. Carroll*

10083797

<u>Senior Counsel</u> Samuel L. Fox Kenneth C. Bass III Registered Patent Agents
Karen R. Markowicz
Andrea I. Kamage
Nancy I. Leith
Joseph M. Corrad III
Ann E. Summerfield
Helene C. Carlson
Gaby L. Longsworth
Matthew J. Down
Aaron L. Schwertz
Angelique G. Uy
Bons A. Matvenko

*Admitted only in Maryland

*Admitted only in Virginia

*Admitted only in Texas

April 30, 2002

WRITER'S DIRECT NUMBER:
(202) 371-2560
INTERNET ADDRESS:
resmond@skgf.com

Commissioner for Patents Washington, D.C. 20231

Box Missing Parts

Re:

U.S. Non-Provisional Patent Application

Appl. No. 10/026,952; Filed: December 27, 2001

For: Primers and Methods for the Detection and Discrimination of

Nucleic Acids

Inventors

NAZARENKO et al.

Our Ref:

0942.4980006/RWE/AGU

Art Unit:

1623

Sir:

In reply to the Notice to File Missing Parts of Application--Filing Date Granted and Notice to Comply with Sequence Rules dated **January 31, 2002**, Applicants submits the following documents for appropriate action by the U.S. Patent and Trademark Office:

- 1. PTO Fee Transmittal Form PTO/SB/17
- 2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1);
- 3. Copy of the Notice to File Missing Parts;
- 4. Preliminary Amendment;
- 5. Letter to PTO Draftsman: Submission of Formal Drawings;
- 6. 60 sheets of Formal Drawings with (Figures 1A-1B, 2A-2B, 3-4, 5A-5C, 6-12, 13A-13B, 14-15, 16A-16B, 17A-17B, 18A-18D, 19A-19D, 20A-20D, 21, 22A-22B, 23, 24A-24B, 25A-25B, 26A-26B, 27A-27C, 28-38, 39A-39C, 40, 41A-41B, 42A-42D, 43A-43B, 44A-44B, 45, and 46);

Sterne, Kessler, Goldstein & Fox PLLC: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents April 30, 2002 Page 2

- 7. Paper and computer readable copy of Sequence Listing;
- 8. Five (5) Original Declarations, executed by the inventors;
- 9. An original executed Power of Attorney from Assignee;
- 10. Assignee 37 C.F.R. § 3.73(b) Statement with copy of Five (5) Assignments attached;
- 11. Our Check No. 35016 for \$3,732.00 to cover:
 - \$ 740.00 Filing Fee for Patent Application (37 C.F.R. § 1.16)
 - \$ 110.00 Extension of Time fee;
 - \$2,752.00 Fee for excess claims (37 C.F.R. § 1.16); and
 - \$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16); and
- 12. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In accordance with 37 C.F.R. § 1.821(f), the paper copy and the computer readable copy of the Sequence Listing submitted herewith are the same. In accordance with 37 C.F.R. § 1.821(g), the submission of this sequence listing includes no new matter.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Robert W. Esmond

Attorney for Applicants

Koloutw. Ermond

Registration No. 32,893

Enclosures

SKGF_DC1:8750.1

PTO/SB/17 (10-01)
proved for use through 10/31/2002. OMB 0651-0032
demark Office: U.S. DEPARTMENT OF COMMERCE Under the P. work Reduction Act of 1995, no persons are required to

| (O) (O) | FEE TRANSMITTAL |
|----------------|--|
| APR 3 0 2002 | for FY 2002 |
| TANK TRANSMILE | Patent fees are subject to annual revision |

| TOTAL AMOUNT OF PAYMEN |
|------------------------|
|------------------------|

(\$)3,732.00

| Complete if Known | | | | | |
|----------------------|----------------------|--|--|--|--|
| Application Number | 10/026,952 | | | | |
| Filing Date | December 27, 2001 | | | | |
| First Named Inventor | Irina NAZARENKO | | | | |
| Examiner Name | To be assigned | | | | |
| Group Art Unit | 1623 | | | | |
| Attorney Docket No. | 0942.4980006/RWE/AGU | | | | |

| METHOD OF PAYMENT (check one) | FEE CALCULATION (continued) | | | | | | | |
|---|--|-------------|-------------|-------------|--|--|----------|--|
| The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to: | 3. ADDITIONAL FEES Large Entity Small Entity | | | | | | | |
| Deposit Account Number 19-0036 | Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee D | escription | Fee paid | |
| Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C. | 105 | 130 | 205 | 65 | Surcharge - late filing | \$130.00 | | |
| Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 | | 50 | 227 | 25 | Surcharge - late provisiona | I filing fee or cover sheet | | |
| | | 130 | 139 | 130 | Non-English specifi | cation | | |
| Applicant claims small entity status See 37 CFR 1.27 | | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | | nation . | |
| | | 920* | 112 | 920* | Requesting publication action | ər . | | |
| 2. 🖾 Payment Enclosed: | | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | | action | |
| Check Credit card Money Order Other* *Charge any deficiencies or credit any overpayments in the tees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036. | | 110 | 215 | 55 | Extension for reply within first month | | 110.00 | |
| FEE CALCULATION | 116 | 400 | 216 | 200 | Extension for reply within second month | | | |
| 1. BASIC FILING FEE | 117 | 920 | 217 | 460 | Extension for reply within third month | | | |
| Large Entity Small Entity | 118 | 1,440 | 218 | 720 | Extension for reply w | ithin fourth month | | |
| Fee Fee Fee Fee Description Fee Paid Code (\$) Code (\$) | 128 | 1,960 | 228 | 980 | Extension for reply w | Extension for reply within fifth month | | |
| 101 740 201 370 Utility filing fee <u>740.00</u> | 119 | 320 | 219 | 160 | Notice of Appeal | | | |
| 106 330 206 165 Design filing fee | 120 | 320 | 220 | 160 | Filing a brief in suppo | | | |
| 107 510 207 255 Plant filing fee | 121 | 280 | 221 | 140 | Request for oral hea | | | |
| 108 740 208 370 Reissue filing fee | 138 | 1,510 | 138 | 1,510 | Petition to institute a | o institute a public use proceeding | | |
| 114 160 214 80 Provisional filing fee | | 110 | 240 | 55 | Petition to revive - ur | | | |
| | 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | | | |
| SUBTOTAL (1) (\$) 740.00 | 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | | | |
| | 143 | 460 | 243 | 230 | Design issue fee | | | |
| | 144 | 620 | 244 | 310 | Plant issue fee | | | |
| | 122 | 130 | 122 | 130 | Petitions to the Com | missioner | | |
| 2. EXTRA CLAIM FEES Fee from Extra below Fee Paid | 123 | 130 | 123 | 130 | Petitions related to provisional applications | | ons | |
| Total Claims _92 20** = 72_ X _ 18 = 1,296.00 | 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | | tmt | |
| Indep. Claims 17 - 3** = 14 X 84 = 1,176.00 | 581 | 40 | 481 | 40 | Recording each patent assignment per property (times number of properties) | | | |
| Multiple Dependent <u>280</u> = <u>280</u> | 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR 1.129(a)) | | | |
| Large Entity Small Entity Fee Fee Fee Fee Fee Description Code (\$) Code (\$) | 149 | 740 | 249 | 370 | (37 CFR 1.129(b)) | | nined | |
| Code (\$) Code (\$) 103 18 203 9 Claims in excess of 20 | 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | | | |
| 102 84 202 42 Independent claims in excess of 3 | 169 | 900 | 169 | 900 | Request for expedited examination of a | | | |
| 104 280 204 140 Multiple dependent claim | Othorfoo | (anneits) : | | | design application | | | |
| 108 84 209 42 "Reissue independent claims over original patent 110 18 210 9 "Reissue claims in excess of 20 and over original patent" | Other fee (specify): | | | | | | | |
| | Other fee (specify): | | | | | | | |
| SUBTOTAL (2) (\$) 2,752.00 or number previously paid, if greater; For Reissues, see above | *Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 240.00 | | | | | | | |
| SUBMITTED BY Complete (If applicable) | | | | | | | | |
| Name (Print/Type) Robert W. Esmond | Registration No. (Attomot/Agent) 32,893 Telephone 202-371-2600 | | | | | | | |
| Signature Robertw. Somme | | | | | | April 30,2002 | | |

10083797.05Raenot2

COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231 www.uspto.gov

APPLICATION NUMBER

26111

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/026,952

WASHINGTON, DC 20005-3934

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

1100 NEW YORK AVENUE, N.W., SUITE 600

12/27/2001

Irina Nazarenko

0942.4980006

CONFIRMATION NO. 7365

FORMALITIES LETTER

OC000000007396160

Date Mailed: 01/31/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$2752.
 - \$1296 for 72 total claims over 20.
 - \$1176 for 14 independent claims over 3.
 - \$280 for multiple dependent claim surcharge.
- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(I) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 3622.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

63

05/02/2002 YPOLITE1 00000004 10026952

iou

280



A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of
the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as
indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a
substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content
of the sequence listing information recorded in computer readable form is identical to the written (on paper
or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR
1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE